

## REMARKS

Claims 1-4 and 13-30 are pending in this application with claims 17-30 withdrawn. By this amendment, claims 17 and 23, the specification, and FIG. 4 have been amended and a Declaration By Inventor under 37 C.F.R. §1.132 is submitted herewith. Support for the amendments to the specification and FIG. 4 can be found in the original specification, including the claims and the figures. For example, see original FIG. 4. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants gratefully acknowledge the courtesies extended by Examiner Yuan on August 18, 2006 in a personal interview. In the personal interview, the Examiner stated that FIG. 4 was unclear as to the formation of branched carbon nanotubes. As enclosed herewith, we provide an enlarged FIG. 4 including labels for branched carbon nanotubes 20, main carbon nanotubes 21, and dispersed catalytic particles 22. We also provide herewith a declaration by one of the inventors in which the methods described in the specification are further detailed, as well as a declaration that the results illustrated in FIG. 4 are from the methods detailed in the originally filed specification. As such, Applicants respectfully submit that all pending claims are in condition for allowance. Withdrawal of all rejections is respectfully requested.

### 1. Restriction

Claims 17-30 were withdrawn in the Office Action by original presentation as restricted. Applicants respectfully submit that claims 17 and 23, as well as the claims depending therefrom should be rejoined because claims 17-30 are directed to electrodes and fuel cells which include the carbon nanotubes as recited in claim 1.

Therefore, in view of the above amendments, Applicants respectfully request rejoinder of claims 17-30. Withdrawal of the restriction requirement is respectfully requested.

**2. 35 U.S.C. §102(e) and 35 U.S.C. §103(a)**

The Office Action rejects claims 1-4 and 13-16 under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over *Dodelet et al.* (U.S. Patent No. 6,887,451, hereinafter referred to as "*Dodelet*").

As mentioned above, in the personal interview, the differences between *Dodelet* and the recited claims were differentiated as *Dodelet* specifically discloses "nanotubes [that] are quite straight and very clean." See col. 3, lines 55-56. However, the recited claims each require branched carbon nanotubes. As discussed in the attached Declaration and illustrated in revised FIG. 4, the nanotubes are not "quite straight and very clean", but rather are branched carbon nanotubes 20 which branch off from a main carbon nanotube 21 with dispersed catalytic metal particles 22 on both the main carbon nanotube 21 and the branched carbon nanotubes 20.

Concerning the Response to Arguments section of the Office Action, Applicants respectfully submit that "tortuous" nanotubes, as discussed with respect to *Dodelet*, merely indicate a twisting or non-straight growth at the tips of the nanotubes from the main body and are not branches. Branched carbon nanotubes branch off or split from a main carbon nanotube as illustrated in FIG. 4 of the application. *Dodelet*, on the other hand, discloses straightening of tortuous end growth on linear and not branched carbon nanotubes.

For at least the reasons set forth above, Applicants respectfully submit that for at least the reasons set forth above, as well as the reasons set forth in the Declaration and the previous Response of May 22, 2006, that claim 1 is allowable. Claims 2-4 and 13-16 depend from claim 1, and are allowable for at least the same reasons. Additionally, claims 17-30, which are withdrawn, also depend from claim 1, and are allowable for at least the same reasons that claim 1 is allowable. Withdrawal of the rejection is respectfully requested.

**3. Conclusion**

Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below if any issues remain in this matter, or if a discussion regarding any portion of the application is desired by the Examiner.

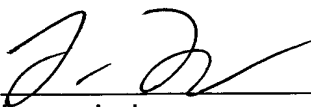
In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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